



## MEMORANDUM

**Agenda Item 14(B)6**

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TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D.      DATE: September 9, 2004  
and Members, Board of County Commissioners

FROM: Honorable Harvey Ruvin, Clerk  
Circuit and County Courts

SUBJECT: Ordinance 2004-13 of the City of  
Doral Providing for Amendment  
to Article IX of the City Charter

  
Kay Sullivan, Director  
Clerk of the Board Division

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Attached for your information is a copy of Ordinance No. 2004-13 of the City of Doral providing for amendment to Article IX of the City Charter relating to regulatory control.

KS:dc  
attachment



August 26, 2004

Sheila Paul, CMC

City Clerk

Miami-Dade Board of County Commissioners  
Ms. Jovelle Shaw  
Attn: Clerk of the Board  
111 NW 1<sup>st</sup> Street, Suite # 220  
Miami, FL 33128

RE: September 9 Agenda

Dear Ms. Shaw,

Let this letter serve as an official request for City Ordinance 2004-13 be placed on the upcoming County Commission Agenda scheduled for September 9, 2004. It is imperative that this item go before the County Commission so that it may appear on the November 2<sup>nd</sup> Election Ballot.

Please contact my office at (305) 593-6725 if there is any additional information you may require. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Paul".

Sheila Paul, CMC  
City Clerk

Cc: Honorable Members of Doral Council  
City Manager Yocelyn Galiano  
City Attorney John Hearn

Enclosure: Copy of Ordinance 2004-13

**ORDINANCE NO. 2004-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, PROVIDING FOR AMENDMENT OF THE CITY CHARTER BY AMENDING SECTION 9.6 "REGULATORY CONTROL"; AMENDING SECTION 9.10 "MODIFICATIONS" TO DELETE SAME; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR COPIES OF THIS CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE CITY CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF ENABLING RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Sections 6.01 of the Charter of the City of Doral provides that the Council may, by ordinance, propose amendments to the Charter subject to approval by the electorate at the next general election or at a special election called for such purpose; and

**WHEREAS**, the Council has determined to submit certain proposed Charter amendments for approval or disapproval by the electors.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Regulatory Control**

That Section 9.6 "Regulatory Control" of the City Charter, is amended by revising this section to read as follows:

**Section 9.6. Regulatory Control.**

The local government comprehensive plan adopted by the City of Doral pursuant to Chapter 163, Part II, Florida Statutes, shall be consistent with the adopted Miami-Dade County Comprehensive Development Master Plan (CDMP) as it may be amended from time to time, as applied to the sites listed below ~~and section 8, Township 53, Range 40:~~

DEPARTMENT/FACILITY	LOCATION
<b>MIAMI-DADE POLICE DEPARTMENT</b>	
Training Bureau Metro Training Center	9601 NW 58 Street
MDPD Headquarters Complex	9105 NW 25 Street
Doral Station (District 3)	9105 NW 25 Street

**MIAMI-DADE FIRE DEPARTMENT**

Training Complex	9300 NW 41 Street
MDFD Headquarters Complex	9300 NW 41 Street
Emergency Operations Center	9300 NW 41 Street
Doral Station	9710 NW 36 Street
Fontainebleau Station	8825 NW 18 Terrace

**DEPARTMENT OF SOLID WASTE MANAGEMENT****Disposal Facility**

Resource Recovery	6990 NW 97 Avenue
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~~The Miami Dade County Board of County Commissioners may revise this list of facilities from time to time.~~

~~Any use or activity allowed by the CDMP may not be limited or impeded in any way by the local government comprehensive plan adopted by the City of Doral. Any use or activity allowed by the CDMP in the Industrial and land use classification shall be allowed in Section 8, Township 53, Range 40. Jurisdiction over the listed sites including Section 8, Township 53, Range 40, for purposes of zoning and building approvals (including but not limited to site plan approvals, issuance of building permits, building inspections, compliance with the Florida Building Code or other applicable building code, issuance of certificates of occupancy, zoning applications, special exceptions, variances, building and/or zoning moratoria, and all other types of functions typically performed by Building and/or Zoning Departments) water and sewer installations, compliance with environmental regulations, street maintenance (including sidewalks, if applicable) and utility regulation shall be and is hereby vested in Miami Dade County regardless of any City of Doral code, charter, or ordinance provision to the contrary. So~~

~~long as Miami Dade County maintains jurisdiction over the matters set forth in this paragraph, Miami Dade County shall pay the costs of providing the services described herein.~~

~~This provision shall not alter or affect the legal rights of any person residing or owning real property within the City. The City shall not institute, intervene or otherwise participate in, in opposition to Miami Dade County, any judicial or formal administrative proceeding regarding land use or development of the listed sites, or Miami Dade County's planning or regulatory requirements for any listed facility of countywide significance.~~

~~These Charter provisions shall be deemed self-executing.~~

The form of ballot of the Charter Amendments provided for in Section 1 of this Ordinance shall be as follows:

**REGULATORY CONTROL**

The City Charter provides that with regard to Section 8, Township 53, Range 40, Miami-Dade County shall have exclusive regulatory control over building, zoning and planning

issues as well as water and sewer installations, compliance with environmental and utility regulations and street maintenance. It is proposed to eliminate this regulatory control by Miami-Dade County and vest such authority in the City of Doral.  
Shall the above described amendment be adopted?

Yes    ☐  
No     ☐

Section 2.     Modifications.

Section 9.10 "Modifications" is hereby amended by deleting same as follows:

~~Section 9.10 Modifications:~~

~~Any modifications to Article IX will require:~~

~~——(B) All approvals normally required by the municipal charter, and  
Approval by 2/3rds of the total membership of the Miami-Dade County Board of Commissioners.~~

The form of ballot of the Charter Amendment provided in this Section 2 of this Ordinance shall be as follows:

**MODIFICATIONS.**

The City Charter currently provides that in addition to the requirements for amendments to Article IX of the Charter contained in the City's own Charter, the City must secure the approval of 2/3rds of the Miami- Dade County Board of Commissioners. It is proposed to eliminate the requirement for involvement of the Miami-Dade County Commission in the process of a City Charter amendment.  
Shall the above described amendment be adopted?

Yes    ☐  
No     ☐

Section 3.     Charter Amendment to be Available for Public Inspection, and for the City Clerk to Utilize the Services of Miami-Dade County Supervisor of Elections.

The place, information and the full text of the proposed City Charter amendments are available at the office of the City clerk located at 4055 NW 97<sup>th</sup> Avenue, Doral, Florida. Copies of this Ordinance providing for this Charter Amendment subject to this referendum approval is on file in the office of the City Clerk and available for public inspection during regular business hours. The City Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election.

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Section 4. Providing for Inclusion in the Charter

It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Charter of the City of Doral, Florida, as to each Charter amendment measure approved by a majority of voters on such measure in such election; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Providing for Adoption of Enabling Resolution.

The City Council shall provide for enactment of an enabling resolution submitting the proposed amendments to the electorate pursuant to Section 5.03 of the Dade County Charter.

Section 6. Severability.

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Effective Date.

This Ordinance shall become effective upon adoption on second reading, and each of the Charter amendment measures provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

The foregoing Ordinance was offered by Vice Mayor Cabrera, who moved its adoption. The motion was seconded by Councilman Van Name and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Pete Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

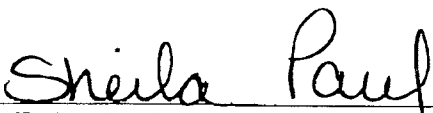
PASSED AND ADOPTED upon first reading this 23<sup>rd</sup> day of June, 2004.

PASSED AND ADOPTED upon second reading this 14<sup>th</sup> day of July, 2004.

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Juan Carlos Bermudez, Mayor

**ATTEST:**

  
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Sheila Paul, City Clerk

**APPROVED AS TO LEGAL FORM  
AND SUFFICIENCY:**

  
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John J. Hearn, City Attorney